

**Minutes
Bar Harbor Planning Board
July 18, 2007**

Members present: Kay Stevens-Rosa, Chair; Jennifer Booher, Vice-Chair; Sarah Stanley, Secretary; Kevin Cochary

Also present: Anne Krieg, Planning Director; Kris Hultgren, Staff Planner; Lee Bragg, Esq., Town Attorney

I. CALL TO ORDER — 5:32 p.m.

II. EXCUSED ABSENCES

Ms. Booher made a motion to excuse Mr. Gurtler. Mr. Cochary seconded, the Board voted unanimously on the motion. The motion passed 4-0.

III. ADOPTION OF THE AGENDA

Ms. Booher made a motion to adopt the agenda. Mr. Cochary seconded, the Board voted unanimously on the motion. The motion passed 4-0.

IV. APPROVAL OF MINUTES

The Board discussed the minutes from the June 20, 2007 meeting.

V. REGULAR BUSINESS

A. Continuation of a Public Hearing – SP-06-08 Cadillac Management Company, LLC

Project Location: 322, 330, and 336 Main Street, Bar Harbor Tax Map 108, Lots 30, 38, 39, and 40

Applicant: Cadillac Management Company, LLC

Application: The application proposes to build an addition (approximately 9,700 SF) to the existing Cadillac Mountain Office Building, with accompanying changes to parking and pedestrian circulation.

Mr. Ross explained that it is unclear to the applicant what parking standard the Board will require. Mr. Moore added that he is unclear how the Board can require a parking standard that is not in the ordinance. Mr. Ross reiterated Mr. Moore's comments by explaining that the ordinance has a parking standard for a professional office building but not a medical clinic. Mr. Ross confirmed their disagreement with the 4 per thousand parking standard.

Ms. Krieg explained that the town separated the two uses, professional office building and medical clinic, in the table of uses so it's clear the town intended to separate the two uses.

Mr. Bragg said he stands by Ms. Meader's letter and sees no reason for the Board to change its position.

Mr. Moore said he does not agree that because the two uses are separated in the table-of-uses it means the town intended to apply different parking standards.

Mr. Ross said the applicant can meet either parking standard but they do not agree with any standard more than 2 per thousand.

Mr. Cochary made a motion to utilize the 4 per thousand parking standard to meet the needs of the medical clinic. Ms. Stanley seconded and the Board voted unanimously on the motion. The motion passed 3-0.

Mr. Bragg explained that if the use changes the applicant will have to come back to the Board and revisit the parking.

Mr. Ross asked about the predominant use of a parcel. Mr. Moore added that he questioned how the Board will impose the parking standard if 51% of the use is medical clinic and 49% is office space. Mr. Moore noted that if a use or structure is under 2000 SF the applicant gets approval from the Code Enforcement Officer.

Mr. Bragg said that if a use changes it could be a catalyst for the applicant to come back to the Board and modify the shared parking agreement.

Mr. Ross said the Planning Board was mandating a shared parking agreement.

Ms. Krieg disagreed and explained that the applicant has choices in what it wants to do with parking. The applicant can enter into a shared parking agreement with the town or it can follow the off-site parking standards outlined in the ordinance.

Mr. Cochary asked for some clarification on the most updated shared parking plan. A change still needed to be made regarding the language leased and leasable.

Ms. Booher opened the meeting to public comment.

An attorney representing Mr. Colket urged the Board to condition the applicant to come back to the Board if there is a change in use. She also questioned the application of green credits to the project.

Dave Bowden spoke in favor of the Cadillac development and commented about the difficulties of parking in town.

Susan Morse, a resident of the abutting neighborhood, spoke about the logic of requiring a 4 per thousand standard for parking and then giving green space and tree credits that reduce the parking.

Mr. Moore said parking plans 9.1.b and 9.1.b.1 are both acceptable to the applicant.

Mr. Moore asked that the Board close public hearing and enter into deliberations.

The applicant, Joe Cough, asked the Board to close the public hearing and schedule a special meeting.

Mr. Cochary made a motion to continue the public hearing to August 1. Ms. Stanley seconded and the Board voted unanimously on the motion. The motion passed 3-0.

B. Continuation of a Public Hearing – SD-07-01 Okeden

Project Location: 8 Peach Street, Bar Harbor Tax Map 111, Lot 23

Applicant: Okeden Associates, LLC

Application: Amend the previous subdivision application in 1979 (revised 1981) to partition the former Dwyer (now Okeden Associates, LLC) land into three lots.

Applicant: Sam Coplon

Michael Ross, speaking for the applicant gave an overview of the project and updated the Board on a lot line change involving lot 3.

Ms. Stevens-Rosa inquired about deed restricting land for future subdivision.

Mr. Ross said it was considered but not something the applicant wanted to do.

The Board discussed the option of the applicant to subdivide the land further sometime in the future.

The Board and the applicant discussed future development on this land and registered historic sites and places.

Ms. Stevens-Rosa confirmed that any further subdivision of the land would have to come back before the Board for approval.

Anne Kozak, a member of the public, spoke in favor of the applicant's stewardship of the land.

John Kelly, speaking as the park planner for Acadia, reviewed pictures that show the views of the applicant's property from Acadia National Park. Mr. Kelly also spoke to the Planning Board's ability to protect viewsheds through the ordinance provision 125-67 (X).

Carry Turnbull, an abutting property owner, expressed concern about the potential building site on lot 3 that is near the shoreline and visible from his property.

Mr. Cochary inquired about the possibility of a scenic easement with the park. Sam Coplon, speaking for the applicant, said his client may be amenable to that but it would be a discussion between the applicant and Acadia National Park.

Mr. Hodder, the applicant, spoke about her commitment to preserving the land and being a good steward of the land.

Mr. Coplon suggested that the modification of standard be granted for the 3 lot subdivision with the provision that if someone comes back to the Board for future development the issue of access would have to be dealt with again.

Mr. Cochary made a motion to close the public hearing. Ms. Stanley seconded and the Board voted unanimously on the motion. The motion passed 4-0.

Mr. Cochary made a motion to approve the project with the stipulation that the driveway serve the additional lots and any future subdivisions would have to come back to the Board for approval of access. Ms. Booher seconded and the Board voted unanimously on the motion. The motion passed 4-0.

C. Completeness Review – SD-06-09 Joel Avila

Project Location: 64 Piedmont Drive, Bar Harbor Tax Map 215, Lot 63

Applicant: Joel Avila

Application: Subdivide the existing 4.7 acre parcel into two lots.

The Board discussed additional waiver requests by the applicant.

Ms. Booher made a motion to grant a new requested waiver involving existing contours in the application. Mr. Cochary seconded and the Board voted unanimously on the motion. The motion passed 4-0.

Ms. Booher made a motion to find the application substantially complete pending staff sign-offs on capacity reports. Mr. Cochary seconded and the Board voted unanimously on the application. The motion passed 4-0.

D. Completeness Review – SD-06-20 – Orchard Ridge

Project Location: 45 Knox Rd, Bar Harbor Tax Map 227, Lot 46

Applicant: Shaw & Gott III, LLC

Application: Proposes to create a 10 lot residential subdivision off of Knox Road in Town Hill.

Ms. Stevens-Rosa discussed a possible conflict of interest. The Board discussed the issue.

Ms. Stanley made a motion not to ask Ms. Stevens-Rosa to recuse. Ms. Booher seconded and the Board voted unanimously on the motion. The motion passed 4-0.

Ms. Stanley inquired about a peer review for this project.

The Board discussed peer review for this project.

The applicant talked about the peer review process and how it could be made easier for them.

The applicant asked that the cost of the peer review be augmented by the planning department. Ms. Krieg said this is a possibility.

Ms. Booher made a motion to direct staff to work with the applicant to conduct a peer review of the soil, hydrogeology and stormwater analysis. Ms. Stanley seconded and the Board voted unanimously on the motion. The motion passed 4-0.

The Board talked about the school capacity sign-off requirement and said they want an applicant to provide it for subdivisions of 10 or more lots.

Ms. Booher made a motion to find the application complete. Ms. Stanley seconded and the Board voted unanimously on the motion. The motion passed 4-0.

E. Completeness Review – SD-07-03 – Sabah Woods Subdivision

Project Location: 112 Bay View Drive, Bar Harbor Tax Map 202, Lot 34

Applicant: Emily Sabah-Maren

Application: Proposal to create a 4 lot residential subdivision off of Route 3 on approximately 9 acres.

Ms. Krieg asked the applicant to submit a copy of the MaineDOT curb cut application for the record.

Ms. Stanley asked if the applicant still planned to build affordable housing on the site. Mr. Musson, speaking for the applicant, said it was the hope of Ms. Maren to have an affordability component to the land but at this point she was moving forward and treating the project as a conventional subdivision.

Ms. Booher made a motion to find the application complete. Mr. Cochary seconded and the Board voted unanimously on the motion. The motion passed 4-0.

F. Sketch Plan Review – SD-07-05 – Brian D. Shaw

Project Location: 192 Sand Point Rd., Bar Harbor Tax Map 204, Lot 62 and Map 208, Lot 45

Applicant: Brian D. Shaw

Application: Proposal of a residential development consisting of nine lots on approximately 11 acres

An abutter, Phoebe Boyer, did not receive notice of the sketch plan review in the mail and asked for some clarification on the matter.

Mr. Bragg asked whether the Board would like to suspend the meeting because of the suspicion that others didn't receive a notice.

The Board decided to move forward with the review.

Mr. Greg Johnston from CES, representing the applicant, gave an overview of the project.

Ms. Booher asked to clarify the applicant's intent in regards to the right-of-way in between lots 5 and 6 and lots 3 and 4.

Ms. Stevens-Rosa asked whether a stream ran alongside the right-of-way in lot 9.

Ms. Stevens-Rosa, referring to the completeness & compliance report submitted by the planning staff, noted abutter concerns regarding drainage and water capacity.

Mr. Johnston was not sure if Lot 8 could meet the setback requirements necessary for a structure. Lot 8 might become open space.

Ms. Stevens-Rosa opened the meeting up to public comment.

John Kennedy, an abutter within 300', expressed concern about stormwater runoff and lighting.

Mr. Johnston expressed a willingness to address lighting concerns.

Ms. Boyer expressed concern about stormwater runoff.

Ms. Stevens-Rosa explained to the abutters that according to the ordinance the developer must make the stormwater runoff better or, at least, not worse than before.

The Board voted unanimously to approve the requested waivers.

The Board decided that a neighborhood meeting is appropriate and instructed planning staff to coordinate a neighborhood meeting.

G. Sketch Plan Review – PUD-07-01 – Hamilton Station

Project Location: 831 State Highway 3, Bar Harbor Tax Map 202, Lot 33

Applicant: Hamilton Station, LLC; Shaw & Gott, LLC

Application: Proposal of a Planned Unit Development to place 65 units/lots with a commercial component on 42 acres

The Board continued the sketch plan review to the 8.1.07 meeting.

VI. OTHER BUSINESS

A. Request for endorsement of White Deer Woods Subdivision

The Board authorized endorsement.

B. Request for Endorsement of a Minor Subdivision for West Eden for Edd Hamor

The Board authorized endorsement.

VII. PLANNING DIRECTOR'S REPORT – No Report

VIII. BOARD MEMBER COMMENTS AND SUGGESTIONS FOR THE NEXT AGENDA

Ms. Booher asked about public comment limitations at the next meeting in regards to the Cadillac Management project. Ms. Krieg said that due to the relatively light agenda on August 1, the Board can go over its 1 hour limit for each item.

IX. ADJOURNMENT - 9:24 PM

A motion was made by Mr. Cochary to adjourn and seconded by Ms Stanley. The Board adjourned at 9:24pm.

Signed as approved:

Kay Stevens-Rosa, Chair
Planning Board, Town of Bar Harbor

Dated